

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>JESSICA BERRYHILL,</b>	)	CASE NO. 5:19-cv-02504-CEH
<i>on behalf of herself and all other similarly-situated individuals,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	MAGISTRATE JUDGE
	)	HENDERSON
<b>B&amp;I HOTEL MANAGEMENT, LLC,</b>	)	
	)	
Defendant.	)	

**IMPORTANT NOTICE TO POTENTIAL CLASS MEMBERS**

TO: All hourly employees employed at the Bertram Inn & Conference Center at any time between October 25, 2016 and the present.

RE: Your right to join or refuse to join a collective action seeking to recover unpaid overtime compensation.

**1. PURPOSE OF THIS NOTICE**

This Notice informs you of a collective action that has been filed under the Fair Labor Standards Act (“FLSA”), advises you of your rights as a class member, and tells you how you can be included in or excluded from the action. If you wish to be included in this collective action, you must sign and return the enclosed Consent Form as explained below. If you do not wish to be included in this collective action, you do not need to do anything. The decision of whether to sign and return the enclosed Consent Form (and join the action) or refuse to sign (and not joint the action) is entirely up to you.

**2. DESCRIPTION OF THE ACTION**

On October 25, 2019, this collective action was filed by Plaintiff Jessica Berryhill against Defendant B&I Hotel Management, LLC. in the U.S. District Court for the Northern District of Ohio, Case No. 5:19-cv-2504. The action was filed on behalf of named Plaintiff Jessica Berryhill and all other similarly-situated individuals.

Plaintiff alleges that, as a non-exempt hourly employee at the Bertram Inn & Conference Center, Defendant violated the FLSA by failing to pay her and other hourly employees all of the hours they worked, including time worked during meal breaks. Plaintiff alleges that she and all other similarly-situated individuals are entitled to recover from Defendant: (a) unpaid overtime compensation; (b) liquidated damages; and (c) attorneys’ fees and costs.

Defendant denies these claims and argues it paid its employees properly under all applicable laws and, therefore, Plaintiff and any and all allegedly similarly-situated individuals are not entitled to any unpaid overtime, liquidated damages, or attorneys’ fees and costs..

The Court has not yet decided whether Plaintiff or Defendant is correct.

**3. YOUR RIGHT TO PARTICIPATE IN THIS ACTION**

Plaintiff seeks to sue not only for herself, but also for other persons with whom she is similarly situated. Plaintiff alleges that those individuals are current and former hourly employees at the Bertram Inn & Conference Center at any time between October 25, 2016 and the present. If you meet this definition, you have a right to participate in this litigation.

**4. HOW TO PARTICIPATE IN THIS ACTION**

To join this collective action, you must sign and return the enclosed Form. You can return the Consent Form by:

- (a) **mailing** it to Plaintiff’s counsel in the included self-addressed and postage-prepaid envelope;
- (b) **faxing** the form to Plaintiff’s counsel at (216) 505-7500; or
- (c) **scanning** the form and emailing it to Plaintiff’s counsel at [josh@fuchsfirm.com](mailto:josh@fuchsfirm.com).

**The signed Consent Form must be signed, texted, postmarked, faxed, or emailed by [sixty days from mailing].** It is important that you return the Consent Form as soon as possible because the time period for which you can seek payment for your unpaid wages will depend on when this form is filed with the Court. If you lose or misplace the enclosed Consent Form, or if you have any questions about filling out or returning the Consent Form, you may contact Plaintiff's counsel listed in paragraph 8 of this Notice.

#### **5. NO RETALIATION PERMITTED**

The law prohibits Defendant or any of its agents or employees to discharge you, or in any manner harass, discriminate or retaliate against you for taking part in this collective action.

#### **6. EFFECT OF JOINING THIS ACTION**

If you join this collective action, you will be considered a party-plaintiff bound by any judgment that is rendered, whether favorable or unfavorable, and share in any recovery. You will also be bound by, and share in, any settlement that may be reached on behalf of the class.

As a plaintiff, you may be required to participate in the legal discovery process for the lawsuit, including being required to participate in both written and deposition discovery. In the written discovery phase, you may be required to answer written questions under oath concerning your employment at B&I Hotel Management, LLC, including any employment at The Bertram Inn Hotel & Conference Center. In addition, you may be asked to provide documents in your possession, custody or control pertaining to your employment or the claims of the lawsuit's allegations. In the deposition phase, you may be required to appear in person for a deposition where the opposing counsel's attorney will be permitted to cross examine you on the record concerning your employment, including your day-to-day activities and employment duties.

The named Plaintiff in this matter has entered into a contingency fee agreement with Plaintiff's counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. If there is a recovery of wages, liquidated damages, and/or attorneys' fees and costs, Plaintiff's counsel will be paid whatever attorneys' fees and costs the Court orders or approves as fair and reasonable.

#### **7. NO LEGAL EFFECT OF NOT JOINING THIS ACTION**

If you choose not to join this action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, and you will not share in any recovery. You will be free to file your own lawsuit; however, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

#### **8. YOUR LEGAL REPRESENTATION IF YOU JOIN**

James J. Hux  
Hux Law Firm, LLC  
3 Severance Circle #18147  
Cleveland Heights, Ohio 44118  
(937) 315-1106 (phone)  
(216) 359-7760 (fax)

Joshua B. Fuchs  
The Fuchs Firm LLC  
24870 Fairmount Boulevard  
Beachwood, Ohio 44122  
(216) 505-7500 (Telephone/Facsimile)  
josh@fuchsfirm.com

#### **9. FURTHER INFORMATION**

Further information about this Notice or the action may be obtained by calling The Fuchs Firm at 216-505-7500. The call is free and confidential.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JESSICA BERRYHILL,	)	CASE NO. 5:19-cv-02504-JRA
<i>on behalf of herself and all other similarly-situated individuals,</i>	)	JUDGE JOHN R. ADAMS
Plaintiff,	)	
v.	)	MAGISTRATE JUDGE
<b>B&amp;I HOTEL MANAGEMENT, LLC,</b>	)	HENDERSON
Defendant.	)	

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**CONSENT FORM**

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I hereby consent, agree, and opt-in to be a party Plaintiff in the above-captioned collective action. I agree to be represented by the Hux Law Firm, LLC and The Fuchs Firm LLC. I understand that by filing this consent, I will be bound by the judgment of the Court on all issues in this case.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**SEND COMPLETED FORM BY:**

- (a) **mailing** it to Plaintiff's counsel in the included self-addressed and postage-prepaid envelope;
- (b) **faxing** the form to Plaintiff's counsel at (216) 505-7500; or
- (c) **scanning** the form and emailing it to Plaintiff's counsel at [josh@fuchsfirm.com](mailto:josh@fuchsfirm.com).

**Must be postmarked, faxed, or emailed by [60 days from mailing].**

**CONFIDENTIAL CLIENT INFORMATION SHEET**

**THIS INFORMATION IS FOR PLAINTIFF'S COUNSEL ONLY  
AND WILL NOT BE MADE PUBLIC.**

**Name:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Telephone Numbers:**

\_\_\_\_\_

\_\_\_\_\_

**E-Mail:**

\_\_\_\_\_